

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 KELVIN L SPANN,  
8 Plaintiff,  
9 v.  
10 BRYANT WILLIAMS SR., *et al.*,  
11 Defendants.  
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Case No. 2:17-cv-02018-JAD-GWF

## ORDER

## I. DISCUSSION

In its March 1, 2018 Screening Order, the Court ordered Plaintiff to file his amended complaint within 30 days of the date of that order. (ECF No. 4 at 7). The amended complaint therefore is due on April 2, 2018. The Court also advised Plaintiff that, if he did not file the amended complaint by that deadline, the action would be dismissed with prejudice. (*Id.*) Plaintiff has filed a motion for an extension of time of 90 days to file his amended complaint and states that he needs that time to discover the identity of a Doe Defendant because he is having difficulty obtaining the documentation necessary to do that. (ECF No. 7 at 1-2). The Court recognizes that, although a Plaintiff should include the identities of defendants in the complaint to the extent possible, there are times when the identity of a defendant cannot be known prior to the filing of a complaint. Plaintiff is advised that, if his amended complaint states a colorable claim against a Doe Defendant, Plaintiff then will be given the opportunity at that time to engage in discovery to learn the Doe Defendant's identity. The Court grants Plaintiff an extension of time until May 2, 2018 to file his amended complaint. If Plaintiff fails to file his amended complaint on or before May 2, 2018, the action will be dismissed with prejudice for failure to state a claim.

1      **II. CONCLUSION**

2      For the foregoing reasons, IT IS ORDERED that the motion for extension of time (ECF  
3      No. 7) is granted in part. Plaintiff shall file his amended complaint on or before May 2, 2018.

4      IT IS FURTHER ORDERED that, if Plaintiff does not file an amended complaint by May  
5      2, 2018, this case shall be dismissed with prejudice for failure to state a claim.

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7      DATED: This 2nd day of April, 2018.

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10     United States Magistrate Judge

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